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DIRECTORY OF INTERIM COMMITTEES

1975-1977 INTERIM

MONTANA LEGISLATIVE COUNCIL
Room 138, Capitol Building
Helena, Montana 59601
(406) 449-3064

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Rep. Oscar Kvaalen
Rep. Pat McKittrick

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Sen. Frank Hazelbaker

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Diana Dowling,
Director of Legal Services

Robert Person,
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Legal Services Division:
Roger Tippy
Woody Wright

Research Division:
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INTRODUCTION

The Montana Legislative Council publishes the Directory of Interim Committees as a summary reference to the study assignments, interim committee memberships, and staff of interim legislative committees.

The Committee on Priorities considers requests for interim studies based on resolutions, bills, and letters from standing committees and individual legislators. From among more than 55 requests considered at the end of the 1975 session, the Committee on Priorities assigned 21 topics to eight committees for study.

Three types of interim committees have been assigned studies: eight member interim committees composed of members appointed by the chairman of the respective House and Senate standing committee; special joint interim committees composed of members from more than one standing committee in each house; and select committees composed of members appointed by the Speaker of the House and Majority Floor Leader of the Senate. All interim committees are bipartisan. In addition to the interim committees, the Joint Rules Committee meets during the interim to consider assigned topics.

Each committee makes its own study and final recommendations for presentation to the next legislature. Approval of recommendations by the Legislative Council or a full standing committee is not required.

Staff assistance for interim studies is provided by the Legislative Council.

An outline of the interim committees and the topic assigned together with a descriptive summary and committee staff follows.

SUBCOMMITTEE ON
WINE AND LIQUOR RETAILING

Study assigned:

Retailing of liquor and wine.

The Department of Revenue now retails liquor and wine in stores throughout the state returning both tax revenues and profits from the operation to the general fund. The assigned study contemplates a thorough investigation of marketing alternatives to find an alternative that would assure no reduction from the amount of revenue realized under the present system, would recognize the State's obligation to the Liquor Division employees, and would better serve the consumer. The subcommittee is to draft a bill to implement an acceptable alternative should one be found. The study derives from Senate Joint Resolution No. 6 and a letter from Senator Stephens to the Committee on Priorities dated April 2, 1975.

Subcommittee Membership:

Sen. Antoinette F. Rosell, Chairman	Rep. Arthur Shelden, Vice-chairman
Sen. Chet Blaylock	Rep. Dave Aageson
Sen. Mike Greely	Rep. Harrison Fagg
Sen. Allen Kolstad	Rep. Joe Quilici

Staff:

Office of the Legislative Fiscal Analyst

SUBCOMMITTEE ON JUDICIARY

Studies assigned:

Priority 1. Study judicial districts regarding additional judges, work loads, and the question of a unified court system in consultation with the Bar Association, the Task Force on Courts of the Crime Control Commission and the Supreme Court Administrator.

Priority 2. Study the question of sovereign immunity as it relates to insurance, self-insurance, and what limitations that might be made.

Priority 3. Study the concept of privacy protection against government including acts in other states, the federal government, and Senate Bill No. 389 and Senate Bill No. 400.

Senate Bill No. 204, Senate Bill No. 228, and House Bill No. 605 as introduced would have added judicial positions in areas where case loads or considerations of distance, or both, create a problem in the delivery of judicial services. The Senate Judiciary Committee felt a need for a more comprehensive approach than these bills represented and requested a study to result in a plan for reorganization of Montana's system of judicial districts. The Committee on Priorities assigned the study and advised the subcommittee to consult with the Montana Bar Association, the Task Force on Courts of the Criminal Justice Advisory Council, and the Court Administrator.

As a second priority, the Committee on Priorities assigned a study of sovereign immunity and liability insurance for the state. The Senate Judiciary Committee in its request for the study suggested at least the following questions should be addressed:

1. What estimates can be developed on the question of how much liability the state might anticipate if no sovereign immunity is enacted?

2. How may the state limit its liability to actions for actual loss or physical injury thereby excluding liability for intangible damages except in certain well-defined areas?

3. What is the experience of other states, if any, where sovereign immunity is not exercised?

4. What realistic figures for limitation of liability to specific dollar amounts can be proposed? What has been the experience of other states in this regard?

As a third priority, the Subcommittee on Judiciary was assigned to develop legislation implementing Article II, section 10, Right of Privacy, of the state constitution. The Committee on Priorities directed that this study include review of the federal privacy act, any state acts relating to privacy, Senate Bill No. 389 and Senate Bill No. 400.

Subcommittee Membership:

Sen. Thomas E. Towe, Chairman	Rep. Herb Huennekens, Vice-chairman
Sen. V.E. Cetrone	Rep. C. R. Anderson
Sen. Glen L. Drake	Rep. Earl Lory
Sen. Jean A. Turnage	Rep. John Vincent

Staff:

Dick Hargesheimer (Priority 1 and Priority 3)
Woody Wright (Priority 2)

SUBCOMMITTEE ON FIRE LAWS

Study assigned:

Study the laws and responsibilities of the state and local governments regarding grassland and forest fires as well as other jurisdictional problems relating to fires.

House Joint Resolution No. 15 and House Joint Resolution No. 23 both requested studies of fire protection statutes that have become a patchwork of overlapping, complex, and obsolete laws and regulations. Considerable confusion and expense to both those protected and those responsible to provide protection has resulted. The Committee on Priorities assigned the Subcommittee on Fire Laws the responsibility of studying the laws of Montana related to fire fighting, fire prevention, and fire services with specific attention to grassland, agricultural, and forest land fires.

Subcommittee Membership:

Rep. Hershel M. Robbins, Chairman
Rep. Verner L. Bertelsen
Rep. William G. Gwynn
Rep. Robert Sivertsen

Sen. Pat M. Goodover, Vice-chairman
Sen. Greg Jergeson
Sen. Terry Murphy
Sen. Peter Story

Staff:

Robert Person

SUBCOMMITTEE ON TAXATION

Studies assigned:

Priority 1. Study income tax laws to alleviate the loopholes and tax advantages provided by deductions and consider replacement with tax credits.

Priority 2. Comprehensive study of death and inheritance taxes and related exemptions.

Priority 3. Study the property tax classification system and the relation of tax classification to land use decisions.

On March 10, 1975, the House of Representatives debated House Bill No. 614, the Income Tax Revenue Act, on second reading and referred it back to the Taxation Committee for further study. The Committee on Priorities assigned a study of the substance of House Bill No. 614 to evaluate the possibility of eliminating the various exclusions from Montana taxable income, lowering the rates of the income tax, and providing a tax credit for the taxpayer and each dependent. The Committee on Priorities also directed the subcommittee to attend to the question of income tax splitting. The study assignment derives from a letter from Representatives McKittrick and Driscoll dated March 11, 1975, and Representative Yardley dated April 1, 1975, both addressed to the Committee on Priorities.

Study of the death tax laws stems from introduction of Senate Joint Resolution No. 10 and a letter from Representative Dan Yardley to the Committee on Priorities. The study is to develop recommendations for changes to correlate state and federal laws and to reflect the Montana Uniform Probate Code. At present, the Department of Revenue finds it difficult to administer these tax laws because of insufficient statutory guidance. A second portion of the study concerns the impact of inheritance tax laws on rural areas and the ownership of family farms. This portion of the study is based on the feeling that there may be a means by which inheritance tax relief such as that contemplated in Senate Bill No. 27 might be achieved.

The third priority for the Subcommittee on Taxation directs a study of the tax classification system now used by the Department of Revenue, including administrative rulings, for the purpose of determining whether or not the existing classifications are equitable. A second assignment is to study the relationship of property taxation to land use decisions and make recommendations. This portion of the study was requested in conjunction with House Joint Resolution No. 51 and House Bill No. 672. Both parts of the study were requested by the House Taxation Committee.

Subcommittee Membership:

Sen. Robert D. Watt, Chairman	Rep. W. Jay Fabrega, Vice-chairman
Sen. Robert J. Brown	Rep. Harrison Fagg
Sen. William L. Mathers	Rep. Melvin Williams
Sen. William J. Norman	Rep. Dan Yardley

Staff:

Roger Tippy (Income Tax Study)
Woody Wright (Inheritance Tax Study)
Karen Hedblom (Property Tax Study)

SUBCOMMITTEE ON OCCUPATIONAL LICENSING AND TEACHER CERTIFICATION

Studies assigned:

Study the question of licensure relating to artificial barriers raised against entry into trades, crafts, and professions including reviews of teacher licensing such as in House Bill No. 636.

The subcommittee will study licensure requirements for entry into trades, crafts, and professions to determine whether they serve the purpose of assuring competent licensees or if they are used as an artificial barrier to entry into a line of work. A second portion of the study will consider whether a professional standards and licensure commission for certification of teachers in Montana schools should be established. The first part of the study expands on a request expressed in Senate Joint Resolution No. 29 while the second portion is based on a request by the House Education Committee to study the concept behind House Bill No. 636.

Subcommittee Membership:

Sen. Chet Blaylock, Chairman
Sen. Robert E. Lee
Sen. Harold Nelson
Sen. Stewart A. Olson
Sen. Pat Regan
Sen. Antoinette Rosell

Rep. Gail Stoltz, Vice-chairman
Rep. Howard Ellis
Rep. Peter J. Gilligan
Rep. Earl Lory
Rep. Sam Wolfe
Rep. Gene Wood

Staff:

Karen Hedblom

SUBCOMMITTEE ON AGRICULTURAL LANDS: ACCESS, PRESERVATION AND FISH AND GAME MANAGEMENT

Studies assigned:

Priority 1. Study the scope and possible solutions to the problem of public access to public land and waters across private land corridors and the problem of hunting and fishing access to all lands.

Priority 2. A study to identify as many positive alternatives for keeping land in agricultural use as is possible. The study is to concentrate on incentives and avoid regulation.

Priority 3. A study of fish and game laws and the Department of Fish and Game.

The Committee on Priorities assigned a study of public access to public and private lands, including fishing and hunting access to a joint committee composed of members from the Natural Resources and Agriculture Standing Committees. The assignment followed discussion of the fact that at least five bills and resolutions concerned with access to public lands were introduced in the 1975 session. Among them were: (1) House Joint Resolution No. 29 requesting a study of the problems of access; (2) House Bill No. 43 prohibiting fees for fishing rights on federal and state lands; (3) House Bill No. 98, concerning recreational use of state land and the right of access; (4) House Bill No. 79 concerning recreational use of waters; and (5) Senate Joint Resolution No. 26 concerning fishing access to public lands.

The priority 2 study was assigned to carry out some of the purposes of House Joint Resolution No. 17 concerning maintaining agricultural land in agricultural use without the regulatory aspects of that resolution. The study is to identify alternative means of providing positive incentives for keeping land in agriculture. Neither government ownership nor zoning should be within the purview of the study.

The priority 3 study concerns a review of the state fish and game laws, the licensing and fees charged for hunting and fishing, and the effectiveness of present fish and game management policies. A goal of the study is to provide a basis for better rapport between the legislature and the Department of Fish and Game. The Committee on Priorities specifically excluded review of the publication Montana Outdoors from the scope of the study.

Subcommittee Membership:

Sen. Carroll Graham, Chairman
Sen. Elmer Flynn
Sen. Jack Galt
Sen. George Roskie

Rep. Verner Bertelsen, Vice-chairman
Rep. Fred Barrett
Rep. James Fleming
Rep. Al Luebeck

Staff:

Debbie Schmidt

INTERIM RULES COMMITTEE

Studies assigned:

- Legislative interns and aides
- Office of public information
- Costs of legislative proceedings to news media
- Policy as to recording proceedings of committee and Committee of the Whole
- Business manager
- Legislative journal format
- Policy regarding legislators activities on the floor of the "other" house during second and third reading
- A means of providing appropriations review by substantive committees or for joint hearings by appropriations and other committees on some bills.

The Interim Rules Committee is to promulgate guidelines, duties, and restrictions for legislative aides who do not now operate under any law or rule. A study of the office of public information is to result in a delineation of the duties and services of the office, formulation of personnel policies, and provisions for the orderly operation of the office. The other topics are to be considered together with the ongoing studies of legislative modernization conducted by the committee.

Committee Membership:

Sen. Larry Fasbender	Rep. Francis Bardanouve
Sen. Mike Greely	Rep. John Driscoll
Sen. Frank Hazelbaker	Rep. Oscar Kvaalen
Sen. Neil J. Lynch	Rep. Lloyd Lockrem
Sen. William L. Mathers	Rep. Robert Marks
Sen. Gordon McOmber	Rep. Pat McKittrick
Sen. Antoinette Rosell	Rep. Peter M. Meloy
Sen. Jean A. Turnage	Rep. Wallace Mercer

Staff:

Rose Weber

SELECT COMMITTEE ON STATE EMPLOYEE PAY

Study assigned:

Study general problems with the collective bargaining and classification acts.

The Committee on Priorities directed appointment of a select committee to study the state employee classification system and specifically the following three areas:

1. Interfacing the Collective Bargaining Act with the classification plan;

2. Methods of funding the pay plan;

3. Providing legislative guidelines to persons who conduct collective bargaining for the state.

Committee Membership:

Sen. Joe Roberts, Chairman
Sen. Mark Etchart
Sen. Matt Himsl
Sen. Richard Smith

Rep. John Anderson, Vice-chairman
Rep. W. Jay Fabrega
Rep. Bob Finley
Rep. Joe Magone

Staff:

Dick Hargesheimer

STATUTORY COMMITTEES
RECEIVING COUNCIL STAFF ASSISTANCE

The committees listed in this section were created and assigned duties by specific statutes rather than by the interim committee process. The Legislative Council provides staff assistance upon request.

ADMINISTRATIVE CODE COMMITTEE

Established by Chapter 410, Laws of Montana, 1975, as a permanent joint committee; and funded from the Legislative Council budget for 1975-77 biennium, the Administrative Code Committee is to review new rules and amendments to rules proposed under the Administrative Procedure Act.

Committee Membership:

Sen. Neil Lynch, Chairman
Sen. George Roskie
Sen. Ann Seibel
Sen. Jean A. Turnage

Rep. John Scully, Vice-chairman
Rep. Fred Barrett
Rep. Earl Lory
Rep. James Moore

Staff:

Roger Tippy

COAL TAX OVERSIGHT COMMITTEE

Established by section 15, Chapter 502, Laws of Montana, 1975, and funded from the portion of coal taxes allocated to local impact grants, the Coal Tax Oversight Committee is to review expenditures of coal revenues authorized for new programs, to monitor implementation of such programs, and to make recommendations to the administering agencies and the Forty-fifth Legislature.

Committee Membership:

Sen. Dave Manning, Chairman
Sen. Larry Aber
Sen. William L. Mathers
Sen. Thomas E. Towe

Rep. Harrison Fagg, Vice-chairman
Rep. W. Jay Fabrega
Rep. Ora Halvorson
Rep. Daniel Kemmis

Staff:

Roger Tippy

MONTANA SALARY COMMISSION

The Salary Commission comprises eight members appointed by the governor, legislative leaders and the Supreme Court. Creation of such a commission is required by Article XIII, Section 3 of the 1972 Montana Constitution, which states that the commission is to "recommend compensation for the judiciary and elected members of the legislative and executive branches."

OTHER PERMANENT GROUPS

Several other commissions, councils, and committees related to the legislature meet during the interim. These groups are in all respects independent of the Legislative Council but among their membership are legislators or persons appointed by legislative leaders.

ENVIRONMENTAL QUALITY COUNCIL

The Environmental Quality Council was created in 1971 as the agency to supervise enforcement of the Montana Environmental Policy Act. The Council consists of four senators, four state representatives, four representatives of the public and a representative of the Governor's office. The Council hires its own staff.

Council Membership:

Sen. Larry Aber
Sen. Robert J. Brown
Sen. Terry Murphy
Sen. Margaret S. Warden

Rep. William M. Day
Rep. Tom Hager
Rep. Gary Kimble
Rep. Tom Rasmussen

Charles Doheny
G.W. "Por" Deschamps
Jack Rehberg
Harriet Marble

Director:

John W. Reuss
1228 Eleventh Ave.
Helena, Montana 59601

Phone: (406) 449-3742

LEGISLATIVE AUDIT COMMITTEE

The eight-member, bipartisan Legislative Audit Committee supervises the work of the Legislative Auditor's office, which was created in 1967. The office is charged with auditing the financial affairs and transactions of every state agency once a biennium.

Committee Membership:

Sen. Matt Himsl, Chairman
Sen. Cornie Thiessen, Secretary
Sen. Mike Greely
Sen. Jean A. Turnage

Rep. Harold Gerke, Vice-chairman
Rep. John Driscoll
Rep. Robert Ellerd
Rep. Lloyd Lockrem

Legislative Auditor:

Morris L. Brusett
Room 135, State Capitol
Helena, Montana 59601

Phone: (406) 449-3122

LEGISLATIVE CONSUMER COMMITTEE

The four-member Legislative Consumer Committee was created in 1973 to work with the Consumer Counsel, a position mandated by the 1972 Constitution to represent consumers in Public Service Commission hearings.

Committee Membership:

Rep. Joe Quilici, Chairman
Rep. Dennis Casey
Sen. Ed Smith, Vice-chairman
Sen. Thomas E. Towe

Consumer Counsel:

Geoffrey L. Brazier
330 Fuller Avenue
Helena, Montana 59601

Phone: (406) 449-2771

LEGISLATIVE FINANCE COMMITTEE

Sections 43-1109 through 43-1119 create the twelve member Legislative Finance Committee to advise and consult with the Legislative Fiscal Analyst. The Legislative Fiscal Analyst is to accumulate, compile, analyze and furnish information on the financial matters of the state, estimate revenue from existing and proposed taxes, analyze the executive budget, report to the legislature and the committee, and assist committees and legislators.

Committee Membership:

Rep. Francis Bardanouve, Chairman
Rep. Dave Aageson
Rep. Glen Jacobson
Rep. Orin Kendall
Rep. Art Lund
Rep. Jack Moore

Sen. William Mathers, Vice-chairman
Sen. Miles Romney, Secretary
Sen. Bill Norman
Sen. Pat Regan
Sen. Ed Smith
Sen. Stan Stephens

Staff:

John LaFaver - Legislative Fiscal Analyst

OTHER INTERIM LEGISLATIVE COMMITTEES

Other legislative committees listed here will meet during the interim to complete work begun during the 1975 session:

Select Committee on Leasing Practices:

Rep. Francis Bardanouve
Rep. Howard Ellis
Rep. Oscar Kvaalen
Rep. Art Lund
Rep. Peter Meloy
Rep. James Moore

Twin Bridges Facilities Committee:

Sen. Mark Etchart
Sen. Don Foster
Rep. Harold Gerke
Rep. Wallace Mercer